In theHigh Court for the States of Punjab and Haryana, at Chandigarh.

RSA No. 189 of 2003
Decided on August 28,2007.

Jarnail Singh Appellant

vs.

Jarnail Singh and others Respondents.

Present: Mr.Avinash Mittal,Advocate,for the appellant

Mr.R.S.Chauhan,Advocate,for the respondents

Rajesh Bindal, J:(Oral)

This is a defendant's second appeal against concurrent findings of fact of both the Courts below ,whereby suit for permanent injunction filed by the respondent/plaintiff was decreed.

Both the Courts below found that respondent/plaintiff was in possession of the suit property on the basis of the revenue record produced on record. It has also come on record that the appellant/defendant had earlier filed a suit against the plaintiff/respondent for declaration and injunction, but the same was dismissed as withdrawn. Claim made by the appellant is that the plot in question being in the area of Harijan Basti, was allotted to him and the respondent/plaintiff being a Jat, cannot be believed to be owner in possession of the property as being a Jat, he will not live in Harijan Basti. This could not be proved by the appellant/defendant as the plot in dispute was not part of Harijan

Basti but was adjoining the basti. Even otherwise, there was no such bar that a Jat could not live and own property in Harijan Basti.

With these facts on record, as found concurrently by both the Courts below, I do not find any merit in the present appeal and the same is hereby dismissed.

Aug 28,2007 **(Rajesh Bindal)**
RR **Judge**